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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,608	11/09/2001	Samuel M. Lester	10014400-1	6002

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HEWLETT PACKARD COMPANY
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INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER

WILLIAMS, KIMBERLY A

ART UNIT	PAPER NUMBER
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2625

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	09/986,608	LESTER ET AL.	
	Examiner	Art Unit	
	Kimberly A. Williams	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-7,9-11 and 15-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-7,9-11 and 15-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant please note that a new examiner has been assigned to this application.

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.
2. Claim 16 is objected to under 37 CFR 1.75(d) because it refers back to a canceled claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1,3-7 and 9-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Laughlin (US 2002/0186407).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Regarding **Claim 1**, Laughlin teaches a printer system(50), comprising a first printer(54) that is capable of being in one of a ready state and a not ready state, with respect to processing any incoming print jobs; a second printer(inherently taught as evidenced by the fact that the printer 54 can select an available, comparable printing device; para 16, last 4 lines; fig. 1, step 10) that is capable of being in one of the ready state and the not ready state, wherein the first printer redirects a print job sent to the first printer, to the second printer, when the first printer is in the not ready state(para 16 the printer 54 automatically reroutes the print job to a comparable printer); and a printer administrator(print server) that is coupled to the first printer and the second printer by way of a communications network, wherein the printer administrator is notified by the first printer as to any print job redirections made by the first printer(para 1 teaches that an embedded service within the printer communicates with the print server to notify the user of the rerouting; also para 16, lines 1-3).

Regarding **Claim 3**, in addition to the like teachings of claim 1, several reasons, as outlined in para 14 read on the first non-recoverable error sub-state.

Regarding **Claim 4**, a third printer is inherently taught as evidenced by the fact that the printer 54 can select an available, comparable printing device; para 16, last 4 lines, a second non-recoverable error sub-state is outlined in para 14 (more than one of those criteria could exist simultaneously).

Regarding **Claims 5 and 7**, a printer administrator(print server) is coupled to the first printer and the second printer by way of a communications network, wherein the printer administrator is notified by the first printer of any print job redirections made by

the first printer(in para 1 an embedded service within the printer communicates with the print server to notify the user of the rerouting; also para 16, lines 1-3).

Regarding **Claim 6**, in addition to the like teachings of claim 1, a processor is inherently taught that can read the print job information so that the first printer can determine if it is capable of completing the print job as evidenced by the fact that a word processing device 52 sends the document to the printer(para 16).

Regarding **Claims 9-11**, in addition to the like teachings of claim 1, the fail-over operation reads on the first state and the not ready to process incoming print jobs state, the printer prints the print job if the printer can complete the job(fig. 1, steps 8 and 12), which reads on the second state and the ready to process incoming jobs state.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 3,4,6 and 15-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Shima (US 6940615).

Regarding **Claim 3**, Shima teaches a printer system(fig. 12), comprising a first printer(51) that is capable of being in one of a ready state and a not ready state, with respect to processing any incoming print jobs, wherein the not ready state includes at least a first non-recoverable error sub-state; a second printer(52,53.....n), wherein

the first printer redirects a print job sent to the first printer, to the second printer, when the first printer is in the first non-recoverable error sub-state(if printer 51 determines that it cannot perform the printing of the print job due to attribute incompatibility, the printer 51 will check the downstream printers and transfer the print job accordingly; col. 24, lines 65).

Regarding **Claim 4**, a third printer is inherently taught as evidenced by the fact that the printer 51 can select an available, comparable printing device(52,53....n). A second non-recoverable error sub-state is outlined in fig. 21, wherein the best candidate is chosen through a verification process(col. 30, lines 46-62).

Regarding **Claim 6**, in addition to the like teachings of claim 3, the print job information is read and analyzed so that the first printer can determine if it is capable of completing the print job(col. 24, lines 40-44).

Regarding **Claims 15 and 16**, the resolution or monochrome/color settings reads on the page too complex state.

Regarding **Claim 17**, Shima teaches a method of printing a job on one of a plurality of network printers(51,52,53.....n) coupled to a network(55), comprising: a first network printer(51), in a ready state having first printing capabilities, reading information contained in a print job; and the first network printer redirecting the print job to a second network printer(52,53....n), in a ready state having second printing capabilities different from the first printing capabilities, when the information contained in the print job is such that the capabilities of the first printer will not allow it to properly perform the print job while the capabilities of the second printer will allow it to properly

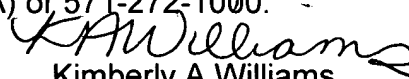
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perform the print job(if printer 51 determines that it cannot perform the printing of the print job due to attribute incompatibility, the printer 51 will check the downstream printers and transfer the print job accordingly; col. 24, lines 65).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly A. Williams whose telephone number is (571) 272-7471. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Kimberly A Williams
Primary Examiner
Art Unit 2625

March 1, 2007